

JAP:MPC

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

- - - - - X

UNITED STATES OF AMERICA

- against -

EUGENIO OSWALDO LANDIN CRUZ,  
also known as  
"Pedro Roberto Landin Cruz,"

Defendant.

- - - - - X

EASTERN DISTRICT OF NEW YORK, SS:

TODD SABINO, being duly sworn, deposes and states that he is an Enforcement Officer with the Department of Homeland Security, Customs and Border Protection ("CBP"), duly appointed according to law and acting as such.

On or about January 22, 2011, within the Eastern District of New York and elsewhere, the defendant EUGENIO OSWALDO LANDIN CRUZ, also known as "Pedro Roberto Landin Cruz," being an alien who had previously been arrested and convicted of an aggravated felony, to wit: Possession of Cocaine, an aggravated felony in violation Section 5-12-102, of the Arkansas Code, and was thereafter ordered deported from the United States and who had not made a re-application for admission to the United States to which the Secretary of the Department of Homeland Security, successor to the Attorney General, had expressly consented, was found in the United States.

(Title 8, United States Code, Section 1326(b)(2)).

**M11-072**

C O M P L A I N T  
(T. 8, U.S.C.,  
§§ 1326(a) and  
1326(b)(2))

The source of your deponent's information and the grounds for his belief are as follows:<sup>1/</sup>

1. I am a Enforcement Officer of CBP and have been involved in the investigation of numerous cases involving the illegal re-entry of aliens. I am familiar with the facts and circumstances set forth below from my participation in the investigation; my review of the investigative file, including the defendant's criminal history record; and from reports of other law enforcement officers involved in the investigation.

2. On January 22, 2011 the defendant EUGENIO OSWALDO LANDIN CRUZ, also known as "Pedro Roberto Landin Cruz," arrived at John F. Kennedy International Airport in Queens, New York on Lan Ecuador Flight XL-536 from Guayaquil, Ecuador. The defendant presented a valid, unexpired Ecuadorian passport, # A2621076 under the name Pedro Roberto Landin Cruz. The defendant also presented an Alien Registration Card under the name Pedro Roberto Landin Cruz. The defendant was seeking entry into the United States as a returning Legal Permanent Resident. The fingerprints of the defendant were taken and the defendant was referred to secondary screening.

3. A records search using the defendant's

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<sup>1/</sup> Because the purpose of this Complaint is to set forth only those facts necessary to establish probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

fingerprints confirmed that he is, EUGENIO OSWALDO LANDIN CRUZ that he is a citizen of Ecuador and not of the United States.

4. A fingerprint comparison of the fingerprints taken in connection with the defendant's attempted reentry into the United States on January 22, 2011 confirmed that he is the same individual who was convicted of Delivery of a Controlled Substance to wit: cocaine, in violation Title 35 Pennsylvania Statutes Section 78-113a 30, an aggravated felony offense, on February 23, 1994, and was sentenced on February 12, 2007 to a term of imprisonment of six to eighteen months. The fingerprint analysis also confirmed that he is the same individual who was ordered deported by an immigration judge on June 25, 1997. The defendant appealed the order of removal and requested bond. Bond was granted and the defendant failed to appear at any subsequent court dates. A final order of removal was issued on October 15, 2002.

5. A preliminary search of the Department of Homeland Security databases revealed that the defendant has not applied for permission from the Secretary of the Department of Homeland Security, successor to the Attorney General, to re-enter the United States after deportation.

WHEREFORE, your deponent respectfully requests that the defendant EUGENIO OSWALDO LANDIN CRUZ, also known as "Pedro Roberto Landin Cruz," be dealt with according to law.

  
\_\_\_\_\_  
Todd Sabino  
Deportation Officer  
Immigration and Customs Enforcement

Sworn to before me this  
24th day of January, 2011

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UNITED STATES MAGISTRATE JUDGE  
EASTERN DISTRICT OF NEW YORK